

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 07-11-20**

Date Published: November 15, 2007
For Work Week Commencing: November 19, 2007
Commission Meeting: November 20, 2007, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live webcast Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Broadcast)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Qwest Corporation D2003.11.158 (Gary)
Interconnection Agreement Amendment

Qwest Corporation has filed for approval with this Commission a TRO/TRRO amendment to the existing interconnection agreement between Qwest and

Granite Telecommunications, LLC in Docket No. D2003.11.158. The FCC, with the guidance of the United States D.C. Court of Appeals, redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals USTA II decision on March 2, 2004. Finally, the Commission issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNES from the list of UNEs required to be offered to competitive local exchange carriers (CLECs). This amendment lists approximately 30 UNEs which Qwest and Granite have agreed are no longer required to be offered under Section 251. The amendment was voluntarily negotiated by the parties. Staff recommends approval of this amendment.

Probable Motion: Move to approve the TRO/TRRO interconnection agreement amendment between Qwest Corporation and Granite Telecommunications, LLC in Docket No. D2003.11.158.

2. Qwest Corporation D2003.1.5 (Gary)

Interconnection Agreement Amendment

Qwest Corporation has filed for approval with this Commission a Single Point of Presence (SPOP) amendment to the existing interconnection agreement between Qwest and OrbitCom Inc. in Docket No. D2003.1.5. This amendment allows OrbitCom to establish one physical point of presence with Qwest to exchange traffic rather than multiple points of presence. The amendment was voluntarily negotiated by the parties.

Staff recommends approval of this amendment.

Probable Motion: Move to approve the Single Point of Presence interconnection agreement amendment between Qwest Corporation and OrbitCom Inc. in Docket No. D2003.1.5.

3. Qwest Corporation D2006.3.30 (Gary)

Interconnection Agreement Amendment

Qwest Corporation has filed for approval with this Commission a Local Number Portability (LNP) amendment to the existing interconnection agreement between Qwest and DIECA Communications Inc. dba Covad in Docket No. D2006.3.30. This amendment adds to the existing interconnection agreement the terms, conditions, and rates for LNP between the parties. The amendment was voluntarily negotiated.

Staff recommends approval of this amendment.

Probable Motion: Move to approve the Local Number Portability interconnection agreement amendment between Qwest Corporation and DIECA Communications Inc. dba Covad in Docket No. D2006.3.30

4. Qwest Corporation D2006.1.5 (Gary)

Interconnection Agreement Amendment

Qwest Corporation has filed for approval with this Commission a Voice over Internet Protocol (VoIP) amendment to the existing interconnection agreement between Qwest and 360networks (USA) inc. in Docket No. D2006.1.5. This amendment adds to the existing interconnection agreement the terms and conditions for the exchange of VoIP traffic. Staff recommends approval of this amendment with the following addition. VoIP is defined in Section 4.0 (Definitions) of the amendment. The following language shall be added to the beginning of the last sentence of the VoIP definition: "The parties agree that." The beginning of the last sentence shall then read "The parties agree that VoIP is treated as an Information Service"

Probable Motion: Move to approve the Voice over Internet Protocol amendment between Qwest Corporation and 360networks (USA) inc. in Docket No. D2006.1.5 with the additional language adding the words "The parties agree that" to the beginning of the last sentence in the VoIP definition in Section 4.0.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2005.4.49 – Mountain Water Company – Public fire (flow) cost recovery and related – Discuss any and all matters related to this docket including, as necessary, approval of a draft final order. (11/20/07)
2. D2007.5.49 – MT Associates – Sale and Transfer – Review fact sheet, direction for final order. (11/20/07)

Other Meetings

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2007.11.131 – Whitehall Wind, LLC – Complaint regarding NorthWestern Energy's failure to comply with Federal and State Requirements for publishing avoided cost information